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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,554	07/25/2003	Florian Patrick Nierhaus	2003P04477US	3548

7590 11/17/2008  
Attn: Elsa Keller, Legal Administrator  
Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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LE, KAREN L

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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11/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,554	<b>Applicant(s)</b> NIERHAUS ET AL.	
	<b>Examiner</b> KAREN L. LE	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-18 and 20-23 rejected under 35 U.S.C. 102(e) as being anticipated by Santos U.S.2003/0158900.

Regarding claim 1, Santos teaches a method for indicating a speaker during a conference (Fig.4, item 414), comprising:

- determining a list of participants in a conference (Fig.4, item 403);
- determining a sample from said conference (Fig.2, item 404);
- determining a first participant from said list that is speaking during said sample (Fig.4, items 414);
- determining a second participant from said list that is speaking during said sample (Fig.4, items 414);
- providing data indicative of said first participant and said second participant (Fig. 3, item 414)

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displaying a first graphic indication that said first participant is speaking, wherein the first graphic indication further indicates a first level of activity (Fig. 3, Port No. 5, Image #5, Status: speaking)

displaying a second .graphic indication that said second participant is speaking (Fig. 3, Port No. 3, Image #3, Status: Host), wherein the second .graphic indication further indicates a second level of activity, wherein the first level of activity is different than the second level of activity, and wherein the second graphic indication is displayed at a same time as the first graphic indication (Para. 0027 and 0037). It is inherent that status of person #3 will display "Speak" if the person #3 starts speaking or speaking at the same time with person #5 in Santos.

Regarding claim 2, Santos further teaches wherein said determining a participant from said list that is speaking during said sample includes determining an active channel in said sample and determining a speaker associated with said active channel (Para. 0034).

Regarding claim 4, Santos further teaches determining at least one active channel in said conference (Para. 0034).

Regarding claim 5, Santos further teaches determining at least one active channel includes determining significance of a plurality of channels in said conference and selecting said at least one active channel from said plurality of channels (Para.

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0034).

Regarding claim 6, Santos further teaches determining a sample from said conference includes determining a sample from said at least one active channel (Para. 0034).

Regarding claim 7, Santos further teaches providing data indicative of said sample includes providing a sample of voice data associated with said conference (Para. 0008).

Regarding claim 8, Santos further teaches providing data indicative of said participant includes providing said data via a first channel and wherein said providing a sample of voice data associated with said conference includes providing said sample of voice data via a second channel (Para. 0011).

Regarding claim 9, Santos further teaches providing data indicative of said participant includes providing said data to a first client device and wherein said providing a sample of voice data associated with said conference includes providing said sample of voice data to a second client device (Para. 0019).

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Regarding claim 10, Santos further teaches determining a significance of at least one active channel in said conference (Para. 0034).

Regarding claim 11, Santos further teaches determining a participant from said list that is speaking during said sample includes identifying a participant speaking on said at least one active channel during said sample (Para. 0034 and page 5, claim 10).

Regarding claim 12, Santos further teaches 1, wherein said data indicative of said participant includes data indicative of a device associated with said participant (Fig. 3, Port No. 5, Image #5, Status: speaking)

Regarding claim 13, Santos further teaches said data indicative of said participant includes data indicative of a channel associated with said participant (Para. 0034).

Regarding claim 14, Santos further teaches 1, wherein said sample includes data from multiple active channels associated with said conference (Para. 0008)

Regarding claim 15, Santos further teaches determining a participant from said list that is speaking during said sample includes determining a participant from a plurality of participants that are aggregated on a channel (Para. 0011).

Regarding claim 16, Santos further teaches wherein said data indicative of said sample has a different sample size than said data indicative of said participant (Para. 0014).

Regarding claim 17, Santos further teaches a system for indicating a speaker during a conference, comprising:

- a network (Fig. 1).
- at least one client device operably coupled to said network (Fig. 1, item 124);
- a server (Fig. 1, item 119) operably coupled to said network, said server adapted to determine a list of participants in a conference;
- determine a sample from said conference;
- determine a first participant from said list that is speaking during said sample;
- determine a second participant from said list that is speaking during said sample~
- provide data indicative of said sample; provide data indicative of said first participant and said second participant; and display a first graphic indication that said first participant is speaking, wherein the first graphic indication further indicates a first level of activity; and display a second graphic indication that said second participant is speaking, wherein the second graphic indication further indicates a second level of activity, wherein the first level of activity is different than the second level of activity, and wherein the second graphic indication is displayed at a same time as the first graphic indication (see Fig. 3, Table 302, Para. 0027).

Regarding claim 18, Santos further teaches, wherein said server is adapted to determine an active channel associated with said conference (Para. 0034).

Regarding claim 20, Santos further teaches, wherein said client device is adapted to display an indication of said participant (fig. 3, items image, status, location)

Regarding claim 21, Santos further teaches, wherein said client device is adapted to display a level of activity of said participant in said sample (Fig. 3, item status).

Regarding claim 22, Santos further teaches a system for indicating a speaker during a conference, comprising:

a processor (Fig. 1, item 119);

a communication port coupled to said processor and adapted to communicate with at least one device (Fig. 1, item 124); and

a storage device coupled to said processor and storing instructions adapted to be executed by said processor to (Fig. 1, item 123)

executed by said processor to: determine a list of participants in a conference (Fig. 4, item 403);

determine a sample from said conference (fig. 4, item 404);

determine a first participant from said list that is speaking during said sample;



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determine a second participant from said list that is speaking during said sample;

during said sample;

provide data indicative of said sample;

provide data indicative of said first participant and said second participant; and

display a first graphic indication that said first participant is speaking, wherein the first graphic indication further indicates a first level of activity;

display a second graphic indication that said second participant is speaking, wherein the second graphic indication further indicates a second level of activity wherein the first level of activity is different than the second level of activity, and wherein the second .graphic indication is displayed at a same time as the first .graphic indication (See Fig. 3, table 302, Para 0027).

Regarding claim 23, Santos further teaches an article of manufacture comprising:  
a computer readable medium (Fig. 1, item 119) having stored thereon instructions which, when executed by a processor (Fig. 1, item 119), cause said processor to:  
determine a list of participants in a conference (Fig. 4, item 403); determine a sample from said conference (Fig. 4, item 404);  
determine a first participant from said list that is speaking during said sample;  
determine a second participant from said list that is speaking during said

sample;  
provide data indicative of said sample;  
provide data indicative of said first participant and said second participant;  
and display a first graphic indication that said first participant is speaking,  
wherein the first graphic indication further indicates a first level of activity;  
display a second graphic indication that said second participant speaking, wherein the  
second graphic indication further indicates a second level of activity wherein the first  
level of activity is different than the second level of activity, and wherein the second  
graphic indication is displayed at a same time as the first graphic indication (See fig. 3,  
table 312, Para 0027).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-2, 4-18 and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN L. LE whose telephone number is (571)272-7487. The examiner can normally be reached on Mon and Thurs: 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karen L Le/  
Examiner, Art Unit 2614  
/CURTIS KUNTZ/

Supervisory Patent Examiner, Art Unit 2614

November 10, 2008